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Revised: 06/99
Sept. 2012

Town of Concord

APP # 19
Acceptance of Gifts

The acceptance of gifts is specifically governed by State statute and Town Bylaw. This Administrative Policy-Procedure shall set forth the procedures for the acceptance of gifts.

I Funds

- A. Chapter 44, Section 53A of the General Laws provides:
 - 1. For the acceptance of gifts or grants of funds by a Town officer or department (committee or board also) with the approval of the Board of Selectmen.
 - 2. For the deposit of the funds with the Town Treasurer.
 - 3. For the expenditure of funds for the specific purpose of the gift without further Town Meeting appropriation, subject to the approval of the Selectmen.
- B. The only exception to the above provisions is gifts to the Cemetery Perpetual Care fund which are governed by Chapter 114, Section 25 of the General Laws (Gifts for Cemeteries), and a number of Special Acts/Town Bylaws governing the Trustees of Town Donations.
- C. Any employee or board member who receives a gift on behalf of the Town shall promptly deposit the gift with the Treasurer. If the gift is of a value of \$250 or more, written acknowledgment shall be provided by the Treasurer to the benefactor. The recipient shall also notify the Town Manager of the receipt of the gift.
 - a. By vote of the Board of Selectmen on September 10, 1979, the Town Manager is authorized to accept gifts of funds up to \$500.
 - b. For gifts over \$500, a vote of the Board of Selectmen is required.
- D. No expenditure of the funds will be permitted until the Town Manager or Selectmen have accepted the gift, as appropriate.

- E. All expenditures from the funds will be made through the Town's standard purchasing and bill-payroll processing procedures.

II. Real and Personal Property

- A. The Town Bylaw approved under Article 41 of the 1977 Annual Town Meeting, provides "that the Town authorize the Town Manager or Treasurer to accept bequests, devises or gifts of property, both real and personal, or any interest therein, in the name of the Town, subject in each case to the approval of the Board of Selectmen, except as otherwise provided by law."
- B. The General Laws authorizing the establishment of the Natural Resources Commission (MGL Ch 40, 8C), and the Historical Commission (MGL Ch 40, 8D) authorize these commissions to accept real and personal property subject to the approval of the Board of Selectmen. The Library Corporation, as separate from the Library Committee, and not a Town agency, is not covered by this policy-procedure.
- C. Any employee or board member who is offered a gift of real or personal property on behalf of the Town, and the Natural Resources Commission and Historical Commission, when they accept a gift of real or personal property on behalf of the Town, shall notify the Town Manager in writing.
 - a. By vote of the Board of Selectmen on September 10, 1979, the Town Manager is authorized to accept gifts of personal and real property, exclusive of land and buildings, with an estimated value of up to \$500.
 - b. Gifts of land and buildings, and property with an estimated value of over \$500, require a vote of the Board of Selectmen.

The employee or board member will be notified of the date and time of the agenda item in the event they wish to attend. The Treasurer will provide the Selectmen with a listing of all such gifts received for acceptance.

The above Administrative Policy-Procedure governs gifts only, and not payments for services rendered; fines; fees; or replacement of damaged property.

Any questions in this regard should be forwarded to the Town Manager's Office.

Distribution: Department Heads
Committee and Board Chairs

Town Counsel